IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R. RAMACHANDRAN NAIR

FRIDAY, THE 8TH JUNE 2007 / 8TH JYAISHTA 1929

CRP. No. 639 of 2005

AGAINST THE ORDER DATED 04/12/2004 IN IA. 41/2004 IN LAR.185/2000 of SUB COURT, KOZHIKODE
.....

REVN. PETITIONERS/PETITIONERS IN I.A/CLAIMANTS IN LAR
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1. **MYTHILI, W/O. SREENIVASAN, AGED 64 YEARS, "SREENIVAS", KOLAPURATH THAZHAM, CHEVARAMBALAM, KOZHIKODE.**

2. **BYJU, S/O.SREENIVASAN, AGED 36 YEARS, "SREENIVAS", KOLAPURATH THAZHAM, CHEVARAMBALAM, KOZHIKODE.**

3. **BALU, S/O.SREENIVASAN, AGED 34 YEARS, "SREENIVAS", KOLAPURATH THAZHAM, CHEVERAMBALAM, KOZHIKODE.**

4. **LALU, S/O.SREENIVASAN, AGED 32 YEARS, "SREENIVAS", KOLAPURATH THAZHAM, CHEVERAMBALAM, KOZHIKODE.**

BY ADV. SRI. P.M. MOHAMMED SHIRAZ
SRI. A.B. RAJEEV

RESPONDENT/RESPONDENT IN IA/RESPONDENT IN LAR

THE SPECIAL TAHSILDAR,
N.H. NO.1, CIVIL STATION, KOZHIKODE.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ.

C.R.P. No. 639 OF 2005

Dated this the 8th day of June, 2007.

O R D E R

Kurian Joseph, J.

This revision petition is filed against the order dated 04.12.2004 in I.A. No. 41/2004 in L.A.R. No. 185/2000 at the instance of the claimants in L.A.R. 185/2000. The dispute is on the location of the acquired land. The Reference Court in the Award has found that the property covered by L.A.R. 185/2000 does not have road access. The finding, according to the claimants, is without reference to the records and is against facts.

2. The Advocate Commissioner has stated that the acquired property is on the side of public road. According to the learned counsel it is Chevarambalam road. It is also seen from the land acquisition records which form part of the Award that the property is having road access. It is for correcting such error apparent on the face of record that the application was filed for reviewing the judgment in L.A.R. 185/2000. The Reference Court dismissed the application holding that the review is not maintainable to change a decision on facts.

3. But, whether the finding as entered into by the Reference Court is supported by facts and whether the finding as entered into by the Reference Court is against facts is something which is certainly open to the Court itself to consider. In fact, the purpose of the application was to set right the factual error crept in the judgment. It is not for upsetting the conclusion based on facts. It is for correcting a mistake on the fact regarding the location of the acquired property.

Hence, we set aside the order dated 04.12.2004 in I.A. No. 41/2004 in L.A.R. No. 185/2000 and direct the Reference Court to properly exercise its jurisdiction in the light of the observations made above and dispose of I.A. No. 41/2004 in accordance with law, within a period of four months from the date of receipt of a copy of this order.

KURIAN JOSEPH
JUDGE

T.R. RAMACHANDRAN NAIR
JUDGE

smp